IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS **DEL RIO DIVISION**

JAN 1 0 2024

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS ENRIQUETA DIAZ, Plaintiff,

RAMSEY ENGLISH CANTU, in his official capacity as Maverick County Judge; ROXANNA RIOS, in her official capacity as Maverick County Commissioner; OLGA RAMOS, in her official capacity as Maverick County Commissioner; ROBERTO RUIZ, in his official capacity as Maverick County Commissioner,

v.

Defendants.

Civil Action No. 2:23-CV-0060-AM

ORDER

The Court is in receipt of the Defendants' Notice of Appeal of the Court's Order denying a stay of discovery. (ECF No. 43.) Therein, the Defendants assert the Order is appealable under the collateral order doctrine as pronounced in Carswell v. Camp. 54 F.4th 307 (5th Cir. 2022). The doctrine is not applicable here because the Court has not declined to consider the Defendants' immunity assertions; instead, the Court has refused their request for a stay of discovery because it is dilatory and was brought long after the Court set out a schedule for this matter. Because the

As an aside, the Court is puzzled as to what the Defendants could be referring to when they complain of "costly, time-consuming, and expensive" discovery. (ECF No. 43 at 2.) Nearly all of the Defendants have already testified and a video of the incident in question exists, virtually eliminating the need for depositions and document discovery in this matter. That consideration factored heavily in the Court's issuance of a scheduling order with accelerated deadlines. (ECF No. 22.) It was also a primary consideration, when paired with tardiness concerns, behind the Court's denial of the discovery stay. In short, there is no "costly, time-consuming, and expensive" discovery the Defendants are subject to.

collateral order doctrine is inapplicable here, the Defendants require the permission of the Court to pursue their appeal under 28 U.S.C. 1292(b), which they do not have.

However, to assuage the Defendants' concerns of the prompt consideration of their immunity arguments, the Court will conduct a hearing on their merits at 9:00 a.m. on February 2, 2024, at the United States Courthouse in Del Rio, Texas. All parties and counsel shall appear in person.

SIGNED and ENTERED on this 10 day of January 2024,

Chief United States District Judge